

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 414, 415, 416, 422, 423, 426, 427, 428, and nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## THE JUDICIARY

Brian F. Holeman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Craig S. Iscoe, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

## FEDERAL LABOR RELATIONS AUTHORITY

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007.

## COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., section 12203:

*To be rear admiral*

Capt. John C. Acton, 3694

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

*To be rear admiral (lower half)*

Capt. Arthur E. Brooks, 5540

Capt. Richard R. Kelly, 4209

Capt. David P. Pekoske, 6564

Capt. Fred M. Rosa, 1832

Capt. Timothy S. Sullivan, 4325

## SECURITIES AND EXCHANGE COMMISSION

Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008.

## FEDERAL RESERVE SYSTEM

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2004.

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## COAST GUARD

PN926 Coast Guard nominations (3) beginning CHRISTINA M. SCHULTZ, and ending KURT M. VAN HAUTER, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN928 Coast Guard nominations (5) beginning MICHAEL A. ALFULTIS, and ending KURT A. SEBASTIAN, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN927 Coast Guard nominations (83) beginning DANIEL B. ABEL, and ending PAUL E.

WIEDENHOEFT, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN1045 Coast Guard nominations (155) beginning DELANO G. ADAMS, and ending RUSSELL H. ZULLICK, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2003.

## EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the consideration of the following additional nominations on the Executive Calendar: Nos. 412 and 413. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## THE JUDICIARY

Joseph Michael Francis Ryan III, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jerry Stewart Byrd, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## AMENDMENT NO. 1938, AS MODIFIED

Mr. FRIST. Madam President, I ask unanimous consent that the previously agreed to Feinstein amendment No. 1938 to H.R. 2989 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To modify section 130 to extend the prohibition under that section to the use of funds to provide maximum hours of service for certain drivers engaged for motion picture or television production)

On page 33, between lines 10 and 11, insert the following:

SEC. 131. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA-97-2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

## ORDERS FOR MONDAY, OCTOBER 27, 2003

Mr. FRIST. Madam President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 12 noon, Monday, October 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2800, the Foreign Operations appropriations bill, until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of Executive Calendar No. 405, Michael Leavitt, to be Administrator of the Environmental Protection Agency. I further ask unanimous consent that the time until the scheduled cloture vote at 5:30 be divided with the chairman of the committee or his designee to control 1 hour and 15 minutes and the ranking member or designee in control of 2 hours and 15 minutes. I further ask unanimous consent that the final 20 minutes before the vote be equally divided with the last 10 minutes under the chairman's control.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. Madam President, we will resume business on Monday afternoon. The two managers of the Foreign Operations appropriations bill will be here and available so that Members may come to the floor and offer amendments. As always, I encourage Senators to notify their respective cloakrooms if they intend to offer an amendment to this bill. At this time there are only a few amendments that have come forward that are known. Therefore, I hope the Senate will complete the bill by early next week. I do remind my colleagues the first vote of Monday's session will be at 5:30. Under the order, that vote will be on invoking cloture on the Leavitt nomination. I fully expect that cloture will be overwhelmingly invoked, and the Senate will then be able to have an up-or-down vote on the confirmation of this qualified candidate to the President's cabinet. We have provided time on Monday for Senators to speak prior to the vote. However, again, I hope once that vote is taken, we will be able to move quickly to a vote on the confirmation of Michael Leavitt.

I want to also mention once again the very important issues that still need to be addressed prior to the adjournment of this session. There are a number of issues, including Healthy Forests, the Internet tax moratorium, the CARE Act, going to conference, gun liability—that is, the Protection of Lawful Commerce in Arms Act—fair credit reporting, on which we reached

consent to proceed yesterday. Hopefully this can be done quickly with no further delay. Obviously, we continue next week toward completing the appropriations process. I was encouraged with yesterday's pace on the Transportation-Treasury bill. With the cooperation of all Members, we were able to complete that bill over the course of the day. I hope we will be able to continue that trend and move expeditiously next week on the remaining bills.

This week we also finally finished with congressional action on the partial-birth abortion ban. That bill will be presented to the President for his signature to become the law of the land. The Senate expedited passage this week of the anti-spam act. The 97 to zero passage on that vote shows the importance and the need for this legislation for which the American people have called.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, we have offered to go to the Healthy Forests legislation with no limitation on amendments. I hope we can work that out. We also have indicated we could send the CARE Act over to the House without going to conference and allow them to take it up immediately. I hope we can do that next week as well. Next week certainly can be a productive week.

I ask the majority leader if it is his intention to dual-track the schedule for the coming days to accommodate debate and hopefully resolution on appropriations bills for a certain period during the day and then the possibility that we could take up and debate some of the bills we have discussed as priority items later on in the day, to accommodate both authorizing and appropriations bills prior to the end of the session.

I yield for that purpose.

Mr. FRIST. Madam President, through the Chair, as we have discussed informally, it is our intention to address all of these issues and to do so and at the same time handle the tremendous challenge of addressing these appropriations bills will require us to, so called, dual track which in essence means take the necessary time on the appropriations bills each day, using that as the focus, but at the same time recognizing there is other very important business we will be doing over the course of that day. Generally we will try to do it in the evenings, but we can adjust that according to the schedules of the various managers.

Madam President, it will take patience on both sides of the aisle, in part because of the amount of time it will require all of us to be on the Senate floor, but also from an organizational standpoint.

The intention will be to try to keep things as organized as possible and focused on the appropriations bills. If it looks like any time can be spent more profitably on a dual track, we will do that.

Generally, I would like to do appropriations bills through the morning and very late in the afternoon, and at that juncture be able to dual-track with these other issues.

Mr. DASCHLE. Madam President, I appreciate very much the majority leader's reply. The bills he has mentioned and the appropriations bills left to be done are all bills that ought to accommodate a great deal of bipartisan effort. There is nothing on the list that he has proposed, if I can recall the list, that would generate divisive debate. There are going to be amendments.

I was just talking to my Governor, and he again expressed concern about the current form of the Internet tax bill as it relates to States and lost revenue they could experience because the bill has been changed. But on that bill and Healthy Forests, the fair credit reporting bill, and a number of other bills, I think there is ample bipartisan interest that could accommodate a very aggressive schedule, and I look forward to working with the majority leader to see how much we can accomplish next week.

I yield the floor.

Mr. FRIST. Madam President, one thing I did not mention over the course of the week is the vote on the Class Action Fairness Act. Although I was very disappointed in the outcome; that is, we were not able to proceed with that—I think it did focus the attention of both sides of the aisle. It was a bipartisan vote, but it wasn't bipartisan enough to be able to proceed to it this week. But I will add that on both sides of the aisle people have come forward and said we are very serious about doing this in a way that is appropriate.

I think there may well be an opportunity, at the appropriate time, to address that issue. The Democratic leader and I are both personally involved with asbestos. He has mentioned it and I have mentioned it. That should send a strong signal to people that we are seriously committed, in a bipartisan way, to addressing an issue that is affecting families, the economy, and jobs; and I do hope that those discussions will continue to be productive as we go forward.

Having said that, next week is going to be a very busy week. I look forward to it being a very productive week.

#### ADJOURNMENT UNTIL MONDAY, OCTOBER 27, 2003

Mr. FRIST. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:14 p.m., adjourned until Monday, October 27, 2003, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate October 24, 2003:

#### REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED.

#### BROADCASTING BOARD OF GOVERNORS

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006. (REAPPOINTMENT)

FAYZA VERONIQUE BOULAD RODMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006, VICE ROBERT M. LEDBETTER, JR., TERM EXPIRED.

STEVEN J. SIMMONS, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006. (REAPPOINTMENT)

#### CONFIRMATIONS

Executive nominations confirmed by the Senate October 24, 2003:

#### FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2007.

#### SECURITIES AND EXCHANGE COMMISSION

PAUL S. ATKINS, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2008.

#### FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004.

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### THE JUDICIARY

JOSEPH MICHAEL FRANCIS RYAN III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JERRY STEWART BYRD OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

BRIAN F. HOLEMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

CRAIG S. ISCOE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

#### To be rear admiral

CAPT. JOHN C. ACTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

#### To be rear admiral (lower half)

CAPT. ARTHUR E. BROOKS

CAPT. RICHARD R. KELLY

CAPT. DAVID P. PEKOSKE

CAPT. FRED M. ROSA

CAPT. TIMOTHY S. SULLIVAN

COAST GUARD NOMINATIONS BEGINNING CHRISTINA M. SCHULTZ AND ENDING KURT M. VAN HAUTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING DANIEL B. ABEL AND ENDING PAUL E. WIEDENHOEF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING MICHAEL A. ALFULTIS AND ENDING KURT A. SEBASTIAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING DELANO G. ADAMS AND ENDING RUSSELL H. ZULLICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2003.